

UNITED STATES DISTRICT COURT
EASTERN DISTRICT MASSACHUSETTS

MARK M. THORNTON,
Plaintiff

V.

NORTHEAST BUILDERS TRANSPORT, INC.
And BARRY N. EHRSTEIN,
Defendants

CIVIL ACTION No. 03-12521-RGS

2/6/04
Filed
USDC
Clerk's Office

ASSENTED TO MOTION TO CONTINUE

NOW COMES, the Plaintiff, by and through his undersigned counsel, and requests a continuance of the Initial Scheduling Conference presently scheduled for **Thursday, February 26, 2004 at 3:45 p.m.**, and in support thereof states as follows:

1. The Honorable Court issued a Notice of Scheduling Conference for an initial scheduling conference to be held on **Thursday, February 26, 2004 at 3:45 p.m.**
2. Plaintiff's counsel is sole practitioner, living and practicing in New Hampshire, licensed to practice in the United States District Court, District of Massachusetts, and has not retained local counsel.
3. The New Hampshire February school vacation week is scheduled for February 23-27, 2004.
4. Plaintiff's counsel has long-scheduled ski vacation planned during the New Hampshire February school vacation week, and will be unavailable for the Scheduling Conference set for **Thursday, February 26, 2004 at 3:45 p.m.**
5. Plaintiff's counsel seeks a Continuance of the initial Scheduling Conference presently set for **Thursday, February 26, 2004 at 3:45 p.m.**
6. Defendants' Counsel has been contacted regarding this Motion, and has assented to it.
7. No prejudice will come to any party by the granting of this Motion in that neither party has requested a Continuance of any hearing or other proceeding in this case.

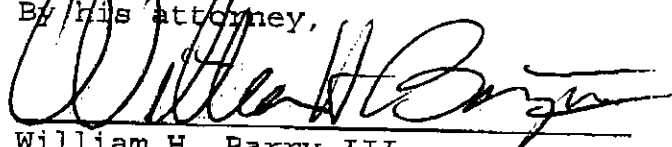
8. All counsel will be available on either March 3, 2004, March 4, 2004 or March 5, 2004, or another time convenient to the Honorable Court.

WHEREFORE, the Plaintiff respectfully prays the Honorable Court:

- A. Grant this Assented to Motion to Continue;
- B. Reschedule the Initial Scheduling Conference to a date on or after March 3, 2004;
- C. Grant such other relief as may be just and equitable.

Dated: February 6, 2004

Respectfully submitted,
MARK M. THORNTON
By his attorney,

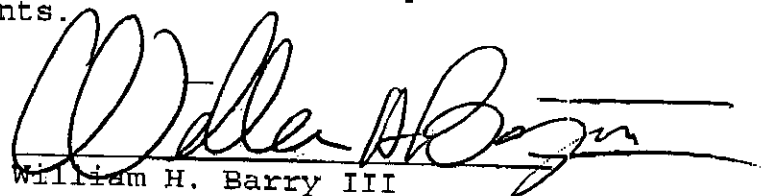


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603-883-0474

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has this date been forwarded to all parties by delivering this Assented to Motion to Continue via facsimile transmittal to Attorney Jessica L. Mooney, Counsel for the Defendants.

Date: February 6, 2004



William H. Barry III

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